

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ALI SIMHAQ

Plaintiff,

- against -

KID CARTER TOURING, INC., AARON CARTER

Defendants.

Docket No. 1:20-cv-02057-RPK-RER

DECLARATION OF ALI SIMHAQ

I, ALI SIMHAQ, hereby swear under the penalty of perjury that the following is true and correct to the best of my personal knowledge:

1. I am the plaintiff in this action.
2. I respectfully submit this declaration in support of my application for entry of default judgment against Kid Carter Touring, Inc. and Aaron Carter (“Defendants”) pursuant to Fed.R.Civ.P. 55(b) and Local Rule 55.2(b).
3. I am the author and copyright claimant of the registered work depicting a cosmic lion (the “Painting”). Attached as Exhibit A is a true and correct copy of the Painting.
4. On or about May 10, 2014, the Painting was initially published with a watermark attribution in my name [Compl. ¶ 9, Ex. A (Dkt. #1-1)]
5. The Painting was registered with the U.S. Copyright Office and was given registration number VA 2-179-279, with effective date November 4, 2019 (the “279 Registration”). Attached as Exhibit B is a true and correct copy of the 279 Registration.

6. In 2019, Defendants then re-published the Painting on their commercial websites, including www.aaroncarter.com, www.lovecollection.store, and business-related social media sites, including Twitter and Instagram pages for Mr. Carter, a popular music artist and former child star (collectively the “Websites”). Defendants also used the Painting to commercially promote branded merchandise and apparel on the Websites. [Compl., Ex. B (Dkt. #1-2)]

7. Although there is no licensing fee history for the Painting, I estimate that I would have been entitled to charge up to \$1325.00 for use of the Painting in the manner used by Defendant.

8. As evidence to support this damages claim, I respectfully submit as a benchmark license fee for a similar depiction of a lion that is available for license on the website of leading stock photography agency Getty Images, Inc. (“Getty”). Attached as Exhibit C is a true and correct copy of a benchmark license fee, showing that a similar artistic work licenses on Getty in the amount of \$1325.00 for use in digital media on a promotional website in the United States up to five years duration in the industry of Arts and Entertainment.

Dated: February __16th__, 2021



ALI SIMHAQ